

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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UNITED STATES OF AMERICA,

Plaintiff,

v.

HENRY LEE STUCKEY,

Defendant.

2:11-cr-00021-PMP

ORDER

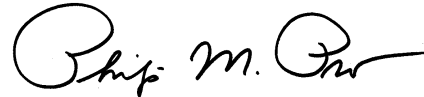
Before the Court for consideration is Defendant Henry Stuckey's Motion to Vacate Sentence Pursuant to 28 U.S.C. § 2255 (Doc. #68) filed May 5, 2014. For the reasons set forth in the Government's Response (Doc. #76), the Court finds that Defendant Stuckey's Motion (Doc. #68) must be denied.

Specifically, Defendant Stuckey's motion is entirely meritless. Stuckey elected to disavow admission regarding culpability made in the plea agreement and at the time he entered his plea of guilty, and thereafter vacillated over his "true intent" in committing the crimes at issue. Stuckey now attempts to blame the attorney who represented him at sentencing for his own conduct. Indeed, the Affidavit of Jonathan Powell, Defendant Stuckey's counsel at sentencing, clearly establishes that representation was effective under the standards established in *Strickland v. Washington*, 466 U.S. 668 (1984).

1 **IT IS THEREFORE ORDERED** that, Defendant Stuckey's Motion to Vacate
Sentence Pursuant to 28 U.S.C. § 2255 (Doc. #68) is **DENIED**.

2 **IT IS FURTHER ORDERED** that a Certificate of Appealability also is
3 **DENIED**.

4 DATED: July 28, 2014.

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8 PHILIP M. PRO
9 United States District Judge
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